

**STATEMENT OF DENIS P. GALVIN, ACTING DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON RESOURCES REGARDING, H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT.**

**JUNE 10, 1997**

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Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 901, the American Land Sovereignty Protection Act. It is our view that this legislation would impose inappropriate and unwise restrictions on the ability of federal agencies to work cooperatively with states and other levels of government to achieve the benefits of international recognition for U.S. conservation and research sites. If enacted, the bill would significantly reduce the recognized leadership and influence in global conservation which our nation has earned in the eyes of the world. We strongly oppose this bill, and if this legislation passes Congress, the Secretary of the Interior will recommend the President veto it.

Mr. Chairman, your February 27, 1997 press release creates the impression that international conservation designations subject our nation's public lands to land-use restrictions. That is not the case. This Administration does not have the authority nor the intention of ceding sovereignty over U.S. lands to international organizations, nor have the five previous administrations, both Republican and Democratic, which have participated enthusiastically in the international conservation agreements targeted by this bill.

H.R. 901 is an attempt to fix alleged problems that do not exist. It would unnecessarily encumber the nomination and administration of our most significant natural and cultural resources for

international recognition, and related cooperative and research efforts which have benefitted from the added recognition. Many of these lands have been preserved by law in the United States as national parks and they merit recognition as some of the most significant natural and cultural resources in the world. They include, to name a few: our first national park, Yellowstone; the complex cave and karst system of Mammoth Cave National Park; and the Indian cliff dwellings at Mesa Verde National Park.

Mr. Chairman, I would first like to address some of the general concerns that prompted this hearing and this proposed legislation. First, international agreements, such as the World Heritage Convention, have in no way been utilized to exclude Congress from land management decisions, nor do they have the ability to do so. Second, the nomination processes for the international conservation designations are generally consultative and are usually based on demonstrated initiative and commitment at the local level. Third, international site recognitions defer land-use decisions to the management entity within the nation, which for the United States would be federal, state, or local governments, tribes, or private property owners, subject to the domestic laws in place. The designations do not add any legal restrictions on land-use that were not already in place before the designation. Within the United States, the United Nations does not have any authority to dictate federal land-management decisions. Finally, international site recognitions do not restrict land use or stop economic growth. To the contrary, World Heritage sites and U.S. Biosphere Reserves have been embraced in many local areas of the U.S. as value-added designations, increasing partnership among federal, state and local governments, and private property owners for mutual benefit. They have additionally contributed to notable increases in international tourism, especially vital to rural economies and have fostered research on important environmental problems.

Next I would like to discuss briefly the specific actions surrounding the listing of Yellowstone National Park as a world heritage site “in danger”, primarily because this listing appears to be the impetus for much of the misunderstanding of U.S. participation in the World Heritage Convention and other international conservation agreements. Amid belief that Yellowstone NP could be considered “in danger” pursuant to the World Heritage Convention, the Department of the Interior in 1995 requested an on-site visit of Yellowstone by an advisory team comprised of park management experts organized by the World Heritage Center. After their review the team, recommended that the World Heritage Committee place Yellowstone on the List of World Heritage in Danger.

Listing of a world heritage site as “in danger” has no legal implications on the domestic management of the site, but rather is intended to focus additional resources and increase dialogue on the problems facing the site and its resources. In the case of Yellowstone, these problems at the time of the listing included both current and potential threats to resources. Current threats include invasive non-native trout supplanting the endemic Yellowstone cut-throat trout and thereby upsetting the natural food web which could affect two listed species -- the threatened grizzly and the endangered bald eagle -- and other park species. Other current threats include sewage leakage and waste contamination in certain areas, impacts of road construction, and visitor pressures. Potential threats include risks to the quality and quantity of surface and groundwater from past and proposed mining activities and a threat to the bison herds from proposed control measures for brucellosis.

The National Park Service has paid much attention to these problems facing Yellowstone, the world’s first national park and among the world’s first world heritage sites. Over the years, Congress has in

fact exercised its oversight role by making many of these issues the subject of hearings before Congress and ongoing efforts are underway to address the problems. When reasonable progress has been made in addressing these threats, the United States will request the removal of the site from the List of World Heritage in Danger. Again, let me reiterate that the listing of Yellowstone as “in danger” has no legal or restricting effect; it merely affirms that there are problems at Yellowstone National Park threatening the park’s resources, problems that the National Park Service is addressing with strong domestic authorities, science and consultation with Congress, other federal agencies, state and local governments and a range of stakeholders. Information can be supplied to the Committee on the status of efforts to address these problems.

#### H.R. 901

H.R. 901 would unduly restrict the existing legal and administrative framework for implementation of important U.S. commitments to international environmental cooperation which have up to this point enjoyed consistent bipartisan support. Section 3 of the bill would amend the Historic Preservation Act to require express authorization by Congress of any future nomination of federal sites for inclusion in the World Heritage List. It would instruct the Secretary of the Interior to object to the inclusion of any property (including private lands) in the U.S. on the List of World Heritage in Danger, absent authorization by a Joint Resolution of Congress. Section 4 would also establish a similar Congressional authorization process for biosphere reserve designations. It would also essentially prohibit the nomination of new biosphere reserves for international recognition under UNESCO and require Congressional approval of all existing biosphere reserves by December 31, 2000, which may be done only after a management plan has been completed that specifically ensures

that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of the designation. The bill encumbers what are now effectively administered programs that fulfill our commitment to environmental leadership in the world.

Since a similar bill, H.R. 3752, was introduced in the 104<sup>th</sup> Congress there have been some changes in language that further complicate and hinder the executive's administration of these programs. Section 3 of H.R. 901 refers to clarification of the Congressional role in world heritage site listing. A new subsection has been added to H.R. 901 that requires the Secretary of the Interior to make a determination of any adverse effects on commercially viable uses should an area be nominated as a world heritage site or be placed on the List of World Heritage in Danger. The adverse effects must be considered for lands being nominated or listed and also for all lands within "10 miles" of the area. Since designating an area as a world heritage site or listing it as "in danger" has no legal implications, does not impose land-use restrictions, nor does it threaten United States sovereignty, it does not merit a determination of adverse effects since the designation cannot adversely affect commercially viable uses. In addition, language in sections 3 and 4 of the bill requires additional reporting requirements for all areas that have been recognized as world heritage sites or biosphere reserves. This is a burdensome and unnecessary requirement and is inconsistent with recent Congressional action to eliminate unneeded reports to Congress.

Section 5 of the bill refers to international environmental agreements in general and provides for additional Congressional oversight of international agreements. Unlike the bill from last Congress, this bill now specifically exempts some international agreements from oversight (e.g. Ramsar

Convention and other migratory bird agreements). We remain concerned about the wisdom of such broad provisions, absent concerns over any specific programs or agreements. We understand the State Department will comment in more detail on the implications of Section 5.

With respect to the legal effect of these international designations, the Congressional Research Service said in its May 3, 1996 report on the “World Heritage Convention and U.S. National Parks” that: “The Convention has no role or authority beyond listing sites and offering technical advice and assistance.” The federal government has made this point on numerous occasions. For example, in a March 20, 1996 letter to a Regional Forester of the U.S. Forest Service, the Solicitor of the Department of the Interior wrote the following:

...As a party to the World Heritage Convention, the United States has undertaken to take the appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation of natural and cultural heritage features designated in U.S. territory. In our view, this obligation is discharged entirely within the framework of the appropriate U.S. and state laws. Therefore, the World Heritage Committee’s recent decision...does not impinge in any way on the United States’ sovereignty and does not, in our view, supplant the orderly legal process established under United States law for the evaluation of development proposals.... The Committee itself noted...that “whether the [United States] should grant a permit to the mining company or not is entirely a domestic decision of the [United States].”

The case of “biosphere reserves,” established in connection with UNESCO’s Man and the Biosphere program, similarly admits no international control of U.S. lands. Indeed, the charter document for the UNESCO program clearly states that “Biosphere Reserves, each of which remain under the sole sovereignty of the State where it is situated and thereby submitted to State legislation only, form a world network in which participation by States is voluntary.” (As used in this quote the word “State” refers to sovereign nations.)

## World Heritage

The World Heritage Convention, a foreign policy initiative of the Nixon Administration, has been a cornerstone of U.S. international environmental foreign policy for nearly a quarter century. The U.S. played a conspicuous leadership role in drafting of the Convention and was the first signatory in 1973, followed by Senate ratification. Although 148 nations now participate, the U.S. has continued its leadership role, twice serving as chair, and currently serving on the World Heritage Committee.

It is noteworthy that, even in the context of its decision to withdraw from UNESCO, the Reagan Administration opted to remain active in World Heritage and promulgated the program regulations, still in force, that made the program fully operative in the U.S. In 1992, Secretary Manuel Lujan hosted the meeting of the World Heritage Committee, the second time in the Committee's 20 years of active work that it has met in the U.S.

In our view, U.S. participation in the World Heritage Convention and other international conservation agreements has benefitted parks and adjacent communities and has been helpful to U.S. foreign policy objectives. Both the "national park" idea and the World Heritage Convention, originating a century apart, were American ideas that have now been universally acclaimed and accepted by virtually every nation. Their widespread acceptance is a continuous advertisement of America's prestige and global influence. U.S. participation in international conservation agreements insures that these ideals continue to extend their reach and also that U.S. sites receive the prestige and recognition they deserve — on par with that enjoyed internationally by the Taj Mahal, the Great Wall of China, the

Serengeti Plain, and Vatican City.

Rather than being harmful to local and community interests, World Heritage designation appears to be economically beneficial and a lure for foreign tourists. It correlates closely with increased visitation. During the period 1990-1995, visitation to U.S. World Heritage parks increased 9.4% as opposed to a 4.2% increase for all parks. There is evidence to suggest that a significant part of the increase is derived from increased international tourism; World Heritage designation makes it more likely that foreign visitors, especially those with specialized interests, will learn about and consider visiting these parks.

For example, Wrangell-St. Elias National Park reports that an increase in foreign visitation from Europe, currently at 10%, may be due to its world heritage designation. Grand Canyon National Park, where foreign visitation is roughly 40%, reports that foreign visitors respond more readily to the World Heritage designation than to the just the “national park” term. Given that the total economic benefit of Grand Canyon to the surrounding region is estimated at \$350 to \$700 million per year, the impact of the World Heritage designation is clearly salutary there.

Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and pledges to take the necessary steps to preserve and protect them under the its own legal systems. The treaty, implementing legislation, and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than two years between the



proposal of a site for study and its consideration by the World Heritage Committee.

The U.S. nomination process is clearly delineated in law and regulation (Title IV of the Historic Preservation Act Amendments of 1980 and 36 CFR 73 — World Heritage Convention). Under the regulations, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The Panel meets in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate have originated from private organizations and citizens and local governments as well as from park superintendents. Every proposed nomination has a strictly defined boundary. The criteria and documentation requirements for nomination are highly selective; many proposed properties have been turned down or deferred for cause. Relevant Committees of the House and Senate are notified of all pending proposals and again informed when the Department has decided to nominate a property. Over the years, when Members have commented, they have commonly supported proposed nominations in their respective states.

Since 1979, when Yellowstone and Mesa Verde were placed on the World Heritage List, 18 other U.S. sites have been added, for a total of 20. A handful of others have been nominated but not listed. No new proposed nominations are being actively considered. The World Heritage Committee, composed of representatives elected from 21 member countries, reviews all national nominations. At present, 506 properties have been listed. The Committee also places properties on the List of World Heritage in Danger. Only the Committee can place properties on either List. Neither listing action imposes any legal requirement for U.S. sites beyond those already contained in U.S. law.

The World Heritage nomination process is also respectful of private property rights. Affirmative concurrence is required from all non-federal owners before properties can be nominated for inclusion on the World Heritage List. The two private U.S. properties on the World Heritage List are Monticello and Taos Pueblo. Three other non-federal properties on the World Heritage List (University of Virginia, Cahokia Mounds, and La Fortaleza in San Juan, Puerto Rico) are owned by States and the Commonwealth.

World Heritage designation does not impose any particular new management requirements; it often presents new opportunities. In Hawaii, the World Heritage designation of Hawaii Volcanos National Park is serving as the linchpin in a strategy to draw more tourists to the island, and is an element of the town of Volcano's strategic planning. At Wrangell-St. Elias and Glacier Bay, two parks that are listed jointly with Canadian parks across the border, World Heritage designation has led directly to cooperation with Canada on mountain rescue and in managing traffic, travel, and rescue operations on the Alsek River. Finally, the Reagan administration chose to highlight one of its major initiatives in private sector fundraising for parks, the restoration of the Statue of Liberty, by nominating the Statue to the World Heritage List in 1984.

### U.S. Biosphere Reserves

Though the Department of the Interior plays a leading role for the U.S. under the World Heritage Convention, it plays a cooperative role in our participation in the U.S. Man and the Biosphere Program. Like World Heritage Sites, the designation and management of U.S. Biosphere Reserves

provides benefits from international recognition, and allows U.S. sites to be linked to a global network for cooperation in science, education, and technical assistance. Recognition does not pose a threat to the sovereignty of American lands, it does not impose new management requirements on public lands, and it does not impose new land-use or regulatory restrictions on private property owners. In addition, designation does not imply any intent on the part of the federal government to acquire property in the surround area. There are 47 designated biosphere reserves in the United States. Biosphere reserves represent purely voluntary commitments on the part of land managers to emphasize conservation science and education as they develop cooperative solutions to issues of conservation and development, in cooperation with local residents, governments, and other parties in their region. The purposes of these associations are to facilitate the discovery of practical solutions to complex conservation and development problems by providing a science-based framework for finding mutually agreeable ways to achieve common goals. This cooperative setting allows each party to share resource and economic expertise that no one group could obtain on its own. Biosphere reserve recognitions are proposed by local entities, in consultation with local governments and other interested parties. Approval by the landowner, public and private, is required. As a matter of practice, when such proposals appear to have been developed without sufficient local consultation, or where local opposition is obvious, they have been returned with guidance regarding the need for local support.

Mammoth Cave is a good example that provides a clearer description of this program. The Mammoth Cave Area Biosphere Reserve was designated in 1990 and includes Mammoth Cave National Park and its primary groundwater recharge basins. The Barren River Area Development

District (BRADD), which is chartered by the Commonwealth of Kentucky and is responsible for regional planning within the ten-county area surrounding Mammoth Cave, selected the U.S. biosphere reserve model as the tool to address regional water quality issues. The biosphere reserve activities are coordinated through the BRADD, whose Board of Directors are locally elected officials, and is viewed as a locally managed effort rather than a federal undertaking. To coordinate resource management activities, the BRADD established a Biosphere Reserve Council which consists of Western Kentucky University, USDA Forest Service, USDA Combined Farm Services Agency, USDA Natural Resource Conservation Agency, Tennessee Valley Authority, U.S. Economic Development Administration, Army Corps of Engineers, agencies of the Kentucky Natural Resources Cabinet, the Resource Conservation and Development District, the Caveland Sanitation District, and the National Park Service. Together, these previously unlikely partners have made significant accomplishments which have directly benefitted the area. These accomplishments include:

*The Mammoth Cave Area Water Quality Project* - A partnership approach to protecting the Mammoth Cave Watershed, which includes significant financial resources available to farmers from the USDA on a cost-sharing basis, significant investment by the NPS for monitoring, and support from the EPA to continue this effort.

*Regional GIS/GPS and Development of a Geospatial Data Center* - Members of the Biosphere Reserve Council have pooled their resources to enhance data sharing and analysis capability and to establish a geographic information system and global positioning base station which has a variety of applications of benefit to all members. Additionally, a grant from the U.S. Geological Survey has established a Geospatial Data Center at Western Kentucky University.

*Economic Development and Impact Studies* - The Economic Development Administration funded a study in the area to assess the potential for compatible industrial development. The results of this study have been made available to the community to assist in economic and infrastructure planning. Also, the USGS in partnership with local universities is working on an economic impact study of the park and local area to assess the impact of tourism expenditures locally to assist in future planning.

The Mammoth Cave Area Biosphere Reserve, with the national park as its core protected area, has

therefore utilized its stature to better address local conservation and development issues, including securing additional financial resources not previously available. Landowners and communities have derived tangible benefits and received recognition for working together to resolve complex conservation and development issues and protect resource values. A survey of biosphere reserve managers in 1995 suggests that, in cases where their cooperative activities identify explicitly with biosphere reserve concepts, there are more cooperating parties and more participation of local organizations than in cases where such cooperation was merely consistent with these concepts.

Biosphere Reserves also maintain their importance internationally from a perspective of providing a network of protected areas, particularly essential as stopovers for migratory birds and living resources the U.S. shares with other nations. U.S. citizens are frequent visitors to internationally recognized sites of other countries. Additionally, as part of the biosphere reserve network, research has been conducted on migratory bird species abundance. For example, the American Redstart is a colorful neotropical migratory bird that winters in the tropical forests of Latin American and the Caribbean. Mexico's newly created Sian Ka'an Biosphere Reserve in the Yucatan Peninsula, provides wintering habitat for species seen during the summer in the United States. The redstart's dependence on an international network of protected areas is critical because we know many other neotropical bird species are in decline because of habitat loss. More than 65 million Americans watch and feed birds each year and more than 25 million Americans travel away from their homes specifically to watch birds. These birdwatching Americans spend \$5.2 billion annually, generating an annual total economic return to the U.S. economy of nearly \$20 billion. American businesses also are the beneficiaries of visitation of U.S. citizens to foreign countries as they operate the tour companies that

frequent biosphere reserve sites abroad.

International site recognitions such as world heritage and U.S. biosphere reserves are not a threat to U.S. sovereignty, but rather an enhancement to areas already protected under domestic law and a benefit to communities which are fortunate enough to be recognized internationally. Mr. Chairman, I thank you for holding this hearing so this issue can be clarified. The “national park” idea was something inherently American which has been extended internationally through such programs; to inhibit our administration would be a disservice to furthering this idea both within the United States and abroad.

This concludes my prepared remarks. I appreciate the opportunity to appear before you today. I am happy to answer any of your questions.